

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

68-0157 (9-06) - 3091078 - EI

JOYE SHAW
Claimant

APPEAL NO: 15A-UI-07031-JE-T

**ADMINISTRATIVE LAW JUDGE
DECISION**

MOSAIC
Employer

OC: 05/31/15
Claimant: Appellant (1)

Section 96.5-1 – Voluntary Leaving

STATEMENT OF THE CASE:

The claimant filed a timely appeal from the June 11, 2015, reference 02, decision that denied benefits. After due notice was issued, a hearing was held by telephone conference call before Administrative Law Judge Julie Elder on July 23, 2015. The claimant participated in the hearing. Jennifer Olson, Human Resources Specialist; Dina Auld, Direct Support Manager; and Michele Hawkins, Employer Representative; participated in the hearing on behalf of the employer. Employer's Exhibits One and Two were admitted into evidence.

ISSUE:

The issue is whether the claimant voluntarily left her employment.

FINDINGS OF FACT:

Having reviewed all of the evidence in the record, the administrative law judge finds: The claimant was employed as a full-time direct support associate for Mosaic from June 24, 2014 to December 22, 2014. She was considered to have voluntarily left her employment following three no-call/no-show absences, December 20, 21 and 22, 2014.

The claimant was a no-call/no-show December 14, 2014, and the employer issued her a corrective action December 17, 2014. She worked December 18, 2014, and was not scheduled December 19, 2014. She failed to call or show up for work December 20, 21 and 22, 2014, in violation of the employer's policy. The employer attempted to contact the claimant several times over that time period but did not receive an answer. The claimant called the employer December 29, 2014, and stated she knew she no longer had a job because she did not return to work. She ended her message by stating she was "sorry."

The claimant testified she was in the emergency room December 14, 2014, and that was the reason for her no-call/no-show absence. She also stated her daughter-in-law failed to come

home over the weekend of December 20, 2014, and consequently, she had to care for her small grandchild and was unable to work December 20 through December 22, 2014, but did call the employer to report her absence. The employer has no record of the claimant calling in for those three days.

REASONING AND CONCLUSIONS OF LAW:

For the reasons that follow, the administrative law judge concludes the claimant voluntarily left her employment without good cause attributable to the employer.

Iowa Code § 96.5-1 provides:

An individual shall be disqualified for benefits:

1. Voluntary quitting. If the individual has left work voluntarily without good cause attributable to the individual's employer, if so found by the department.

Iowa Admin. Code r. 871-24.25(4) provides:

Voluntary quit without good cause. In general, a voluntary quit means discontinuing the employment because the employee no longer desires to remain in the relationship of an employee with the employer from whom the employee has separated. The employer has the burden of proving that the claimant is disqualified for benefits pursuant to Iowa Code section 96.5. However, the claimant has the initial burden to produce evidence that the claimant is not disqualified for benefits in cases involving Iowa Code section 96.5, subsection (1), paragraphs "a" through "i," and subsection 10. The following reasons for a voluntary quit shall be presumed to be without good cause attributable to the employer:

(4) The claimant was absent for three days without giving notice to employer in violation of company rule.

While the claimant stated she called in December 20 through December 22, 2014, the employer does not have any record of her calls. The claimant stated the reason she was absent was to care for her grandchild, which is not considered a good cause reason for her absence. Inasmuch as the claimant failed to report for work or notify the employer for three consecutive work days in violation of the employer's policy, she is considered to have voluntarily left her employment without good cause attributable to the employer. Therefore, benefits are denied.

DECISION:

The June 11, 2015, reference 02, decision is affirmed. The claimant voluntarily left her employment without good cause attributable to the employer. Benefits are withheld until such time as she has worked in and been paid wages for insured work equal to ten times her weekly benefit amount, provided she is otherwise eligible.

Julie Elder
Administrative Law Judge

Decision Dated and Mailed

je/mak